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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,117	04/07/2004	Wenjie Li	FIS920030394US1	8647
30449	7590	12/14/2004	EXAMINER	
SCHMEISER, OLSEN + WATTS			LEE, SIN J	
SUITE 201			ART UNIT	
3 LEAR JET			PAPER NUMBER	
LATHAM, NY 12033			1752	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

10/820,117

Applicant(s)

LI ET AL.

Examiner

Sin J. Lee

Art Unit

1752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-10 and 13-20 is/are rejected.
- 7) ☒ Claim(s) 6, 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04072004.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-5, 7-10, and 13-20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4-10, 13-17, 19, and 20 of copending Application No. 10/798,157 in view of Koibuchi et al (4,722,883).

Claims 1 and 13 of App.'157 teaches present claims 1 and 13 except for the present second polymer (c). The use of polyhydroxystyrene resin is well known in the art for improving resistance of a photoresist composition to dry etching as evidenced by Koibuchi, col.4, lines 51-56. Since the method of claim 14 of App.'157 comprises the step of etching, it is the Examiner's position that it would have been obvious to one of ordinary skill in the art to add a polyhydroxystyrene resin into the photoresist composition of claims 1 and 13 of App.'157 in order to improve resistance of the photoresist composition to dry etching as taught by Koibuchi. The polyhydroxystyrene

resin teaches present second polymer (c) because present U can be an arylene group with 6 carbons. Therefore, claims 1 and 13 of App.'157 in view of Koibuchi would render obvious present inventions of claims 1 and 13 (it is the Examiner's position that the resist composition taught by App.'157 in view of Koibuchi would inherently be soluble in an aqueous alkaline developer solution before exposure to the imaging radiation and is insoluble in the aqueous alkaline developer solution after exposure to the imaging radiation). Also, since polyhydroxystyrene resin is an *aqueous alkali-soluble* resin, claim 1 of App.'157 in view of Koibuchi would also render obvious present invention of claim 5.

Claim 1 of App.'157 in view of Koibuchi and further in view of claim 4 of App.'157 would render obvious present invention of claim 2. Claim 13 of App.'157 in view of Koibuchi and further in view of claim 16 of App.'157 would render obvious present invention of claim 16.

Claim 1 of App.'157 in view of Koibuchi and further in view of claims 5 and 6 of App.'157 would render obvious present inventions of claims 3 and 4. Claim 13 of App.'157 in view of Koibuchi and further in view of claim 17 of App.'157 would render obvious present invention of claim 17. Also, claim 13 of App.'157 in view of Koibuchi and further in view of claims 17 and 6 of App.'157 would render obvious present invention of claim 18.

Claim 1 of App.'157 in view of Koibuchi and further in view of claim 7 of App.'157 would render obvious present invention of claim 7.

Claim 1 of App.'157 in view of Koibuchi and further in view of claims 8-10 of App.'157 would render obvious present inventions of claims 8-10.

Claim 13 of App.'157 in view of Koibuchi and further in view of claims 14 and 15 of App.'157 would render obvious present inventions of claims 14 and 15.

Claim 13 of App.'157 in view of Koibuchi and further in view of claims 19 and 20 of App.'157 would render obvious present inventions of claims 19 and 20.

This is a provisional obviousness-type double patenting rejection.

Allowable Subject Matter

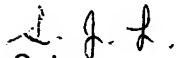
3. Claims 6, 11, and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. App.'157 in view of Koibuchi do not teach or suggest present second polymer of claim 6 having the aqueous base soluble moiety comprising one of fluorosulfonamide, a carboxylic acid, and a fluoroalcohol. Also, Appl'157 in view of Koibuchi do not teach or suggest present weight% ranges for the second polymer of claims 11 and 12.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sin J. Lee whose telephone number is 571-272-1333. The examiner can normally be reached on Monday-Friday from 9:00 am EST to 5:30 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly, can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

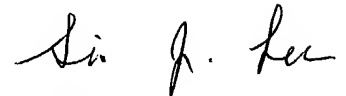
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



S. Lee

December 10, 2004



Sin J. Lee

Patent Examiner

Technology Center 1700